

Nicole Lundrigan

From: Nicole Lundrigan
Sent: Monday, February 20, 2023 11:36 AM
To: wmdeters@ennisbritton.com; bwwharton@mimlaw.com; Josh Bazan
Cc: W. Kelly Lundrigan; David E. Hardin
Subject: FW: Request for Updated PRR log (Public Records Request)
Attachments: Request 2-15-23A_Redacted.pdf

Josh, Bill and Bernie,

As you know, we alleged in paragraph 77 of our proposed Second Amended Complaint that the Board, or certain members of the Board, have taken further action to enforce the Resolution in violation of the Stipulation by drafting a new resolution or policy to implement it which targets bathroom use by transgender students. Per the PRR log, Dr. Rasmussen made a public records request for this document, and I requested a copy of the records provided to her. Instead of receiving the new policy which apparently does exist and has been circulated to other board members and counsel for the Board, I received the attached email chain whereby the district is taking the position that the policy drafted by Ms. Stewart is not a public record. The policy and drafts of it clearly fall within the definition of a public record as it documents policies, operations and activities of the public office and public officials. R.C. 149.011(G); *see also State ex rel. Calvary v. Upper Arlington*, 2000-Ohio-142, 89 Ohio St. 3d 229, 232.

Please provide us with a copy of the new resolution or policy drafted by Ms. Stewart or circulated among members of the board, including all drafts of the same. Not only are these documents public records which must be produced, they are highly relevant to the lawsuit and what appears to be the Board's violation of the Stipulation.

Thank you,
Nicole

From: Josh Bazan <joshibazan@foresthills.edu>
Sent: Friday, February 17, 2023 3:57 PM
To: Nicole Lundrigan <nlundrigan@lundrigan-law.com>
Subject: Re: Request for Updated PRR log (Public Records Request)

Hi Nicole,

I am attaching the email correspondence between Dr. Rasmussen and the Board's counsel, which serves as the denial for her records request. I redacted personal information that does not qualify as a public record under Ohio Rev. Code § 149.43.

Let me know if you have any additional questions.

Sincerely,
Josh

--

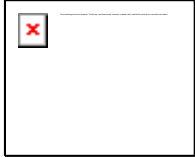
Josh Bazan

Communications Coordinator

[Forest Hills School District](#)

(513) 231-3600, ext. 2966

joshbazan@foresthills.edu



On Wed, Feb 15, 2023 at 9:26 AM Nicole Lundrigan <nlundrigan@lundrigan-law.com> wrote:

Good morning Josh. Can you please provide me with (i) the response provided to Dr. Rasmussen to her 2/2/23 public record request below, including (ii) all documents provided in response. If a response has not yet been provided to Dr. Rasmussen, can you please provide me with the response and documents when they are provided to her.

2/2/23 Request 2-2-23A	Leslie Rasmussen < leslierasmussen@foresthills.edu >	Pursuant to the following publ Katie Stewart? Date range: Oc
-------------------------------	--	--

Thank you very much,

Nicole

From: Josh Bazan <joshbazan@foresthills.edu>

Sent: Thursday, February 9, 2023 12:18 PM

To: Nicole Lundrigan <nlundrigan@lundrigan-law.com>

Subject: Re: Request for Updated PRR log (Public Records Request)

Hi Nicole,

I am attaching the requested record to this email. Could you please let me know when you receive it? I've experienced a couple issues recently with documents and/or emails not being received.

Sincerely,

Josh

--

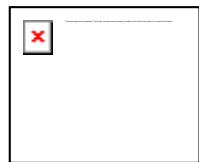
Josh Bazan

Communications Coordinator

[Forest Hills School District](#)

(513) 231-3600, ext. 2966

joshbazan@foresthills.edu



On Thu, Feb 9, 2023 at 9:20 AM Nicole Lundrigan <nlundrigan@lundrigan-law.com> wrote:

Good morning Josh. Can you please send me the updated PRR log from December 1, 2022 through today's date? I am hopeful that due to the limited scope of this request that it can be filled quickly.

Thank you,

Nicole



Nicole M. Lundrigan, Esq. (she/her)

The Zimcom Building

1080 Nimitzview Drive, Suite 402

Cincinnati, Ohio 45230

(513) 813-7610

(513) 586-0575 (fax)

nlundrigan@lundrigan-law.com

IRS CIRCULAR 230 DISCLOSURE:

To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any tax advice contained in this communication (including any attachments), was not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding any penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any transaction matter addressed herein.

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS ATTORNEY PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY ME BY TELEPHONE AND PERMANENTLY DELETE THE ORIGINAL AND ANY COPY OF THIS E-MAIL AND DESTROY ANY PRINTOUT THEREOF.



Josh Bazan <joshbazan@foresthills.edu>

Request 2-2-23A

6 messages

Josh Bazan <joshbazan@foresthills.edu>
To: Katie Stewart <katiestewart@foresthills.edu>
Cc: "Bill M. Deters II" <wmdeters@ennisbritton.com>

Fri, Feb 3, 2023 at 9:15 AM

Hi Katie,

I have the following public records request that pertains to you. I'm copying Bill on here so he's aware. Let me know if you have anything that matches this and Bill can look it over to determine if it should be disclosed pursuant to this request.

Sincerely,
Josh

Request 2-2-23A

From: Leslie Rasmussen

Pursuant to the Ohio Public Records Act, I am requesting copies of the following public records from the Forest Hills Local School District:

Katie Stewart's draft resolution related to transgender issues and bathrooms. Date range: Oct 2022-Feb 2023.

She wrote it and Bill Deters is aware. In fact, he has seen it. I asked Mrs. Stewart to produce it and she refused.

This may be a draft, but it is board business and it does exist. So, I'm left with no choice but to submit my own FOIA request.

If she does not produce it, I will pursue other means. It does exist. I would like it in a timely manner so that I am not left to ask for it publicly at the Feb. 15 meeting.

--

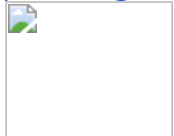
Josh Bazan

Communications Coordinator

Forest Hills School District

(513) 231-3600, ext. 2966

joshbazan@foresthills.edu



Katie Stewart <katiestewart@foresthills.edu>
To: Josh Bazan <joshbazan@foresthills.edu>, wmdeters@ennisbritton.com

Fri, Feb 3, 2023 at 9:43 AM

Hi Josh,

I see this request as attorney client privilege. It is not board business nor will it be coming forward at any meeting in the future. I see this as an attempt to incite panic. Bill please advice.

Katie Stewart
[Quoted text hidden]

Josh Bazan <joshbazan@foresthills.edu>
To: "Bill M. Deters II" <wmdeters@ennisbritton.com>

Fri, Feb 10, 2023 at 12:04 PM

Leslie just called me to ask about this request and she shared additional information. I think you may be aware of some of it, but give me a call today if you have time so we can discuss.

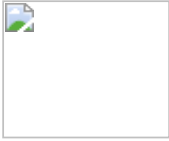
Josh Bazan

Communications Coordinator

Forest Hills School District

(513) 231-3600, ext. 2966

joshbazan@foresthills.edu



[Quoted text hidden]

Bill Deters <wmdeters@ennisbritton.com>

Fri, Feb 10, 2023 at 12:39 PM

To: Josh Bazan <joshbazan@foresthills.edu>

Cc: Alana Cropper <alanacropper@foresthills.edu>, Larry Hook <larryhook@foresthills.edu>, Leslie Rasmussen <leslierasmussen@foresthills.edu>, Katie Stewart <katiestewart@foresthills.edu>, Bob Bibb <bobbibb@foresthills.edu>, Linda Hausfeld <lindahausfeld@foresthills.edu>

Josh:

Katie's document would not qualify as a record under the definition outlined in the Open Records law. It does not document the organization's functions, policies, directives, etc.

William M. Deters II, Esq.



Ennis Britton Co., LPA
1714 West Galbraith Road
Cincinnati, Ohio 45239

P: 513.421.2540

F: 513.562.4986

All information in this e-mail, including attachments, is strictly confidential and intended solely for delivery to and authorized use by the addressee(s) identified above. If you are not the named recipient, please notify the sender immediately by email or telephone at (513) 421-2540 and delete the contents of this message from your system without disclosing the contents of this message to anyone, using them for any purpose, or storing or copying the information on any medium. The contents of this message may contain privileged, attorney-client communications and may also constitute protected attorney work product. If you are not the named recipient you are hereby notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

[Quoted text hidden]

Leslie Rasmussen <leslierasmussen@foresthills.edu>

Fri, Feb 10, 2023 at 1:03 PM

To: Bill Deters <wmdeters@ennisbritton.com>

Cc: Josh Bazan <joshbazan@foresthills.edu>, Alana Cropper <alanacropper@foresthills.edu>, Larry Hook <larryhook@foresthills.edu>, Katie Stewart <katiestewart@foresthills.edu>

Josh:

To be clear, Bill's official position is that a drafted resolution by a board member - for the district - is not public record? Thus, FHSD is refusing to produce the document?

So, let me ask a clarifying question. All drafts we develop for policy (in committee or otherwise) and resolutions are NOT public record?

I look forward to a clear response.

LR

Sent from my iPhone. Please excuse any errors.

On Feb 10, 2023, at 12:39 PM, Bill Deters <wmdeters@ennisbritton.com> wrote:

[Quoted text hidden]

Bill Deters <wmdeters@ennisbritton.com>

Fri, Feb 10, 2023 at 1:05 PM

To: Leslie Rasmussen <leslierasmussen@foresthills.edu>

Cc: Josh Bazan <joshbazan@foresthills.edu>, Alana Cropper <alanacropper@foresthills.edu>, Larry Hook <larryhook@foresthills.edu>, Katie Stewart <katiestewart@foresthills.edu>

It was not a District document.

William M. Deters II, Esq.



Ennis Britton Co., LPA
1714 West Galbraith Road
Cincinnati, Ohio 45239

P: 513.421.2540

[REDACTED]
F: 513.562.4986

All information in this e-mail, including attachments, is strictly confidential and intended solely for delivery to and authorized use by the addressee(s) identified above. If you are not the named recipient, please notify the sender immediately by email or telephone at (513) 421-2540 and delete the contents of this message from your system without disclosing the contents of this message to anyone, using them for any purpose, or storing or copying the information on any medium. The contents of this message may contain privileged, attorney-client communications and may also constitute protected attorney work product. If you are not the named recipient you are hereby notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

[Quoted text hidden]